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SUNDAY, JULY 16, 1978

# An 'accident' well worth a new look

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On Nov. 10, 1977, the New York Times printed a story headlined "William C. Sullivan, Ex-FBI Aide, Is Killed In A Hunting Accident." It ran on the obituary page — a routine death announcement.

Sullivan was the FBI's former assistant to the director, the No. 3 man in J. Edgar Hoover's bureau. The day before, he had been hunting in Sugar Hill, New Hampshire, about a mile from his home. Just after day-break he was shot in the back and killed by Robert Daniels Jr., a 21-year-old local man, who later said he had mistaken Sullivan for a white-tail deer.

The case was handled as a simple accident. On Nov. 19, Daniels pleaded *nolo contendere* to Fish and Game violation number 207:37, the misdemeanor charge of carelessly shooting a human being. He was later fined \$500 and his hunting license was suspended for 10 years. Through a spokesman, the Sullivan family said it accepted the shooting as an accident and forgave the hunter. Case closed.

But there remain nagging questions — the circumstances were too puzzling, the investigation too casual, and the victim too important for them to go away.

Through the 1960s, Sullivan had been chief of Division Five, the bureau's super-secret intelligence



William C. Sullivan

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— William Kunstler

branch. Division Five handled much of the FBI's investigation of the John F. Kennedy and Martin Luther King assassinations. It also ran the infamous Cointelpro (Counter Intelligence Program), an attempt to "neutralize" leftist organizations through such tactics as infiltration, monitoring of mail, burglaries and illegal bugging. So "Crazy Billy" Sullivan, as he was called for his maverick style, had been privy to the FBI's most sensitive secrets. He was forced out by Hoover in 1971 (the director reportedly feared Sullivan was angling for his job), but because of what Sullivan knew, even in retirement he remained a powerful and controversial man.

At the time of his death he was scheduled to testify before the House select committee investigating the Kennedy and King assassinations. He was to be questioned in more than a dozen civil suits concerning FBI abuses that allegedly took place under his command. He was to be the star defense witness in what was billed as the most important criminal proceeding ever brought against the FBI — the case against New York City Special Agent John Kearney. And he would have testified for the government in its unprecedented prosecution of former Acting FBI Director L. Patrick Gray and two other bureau officials. Careers, reputations and the integrity of the FBI would hang in the balance if Sullivan chose to tell the courts and Congress what he knew.

His death at such a moment, and by such violent means, could not fail to startle knowledgeable observers into wondering if there might have been foul play. It made one remember the other key witnesses who had died violently in recent years just as they were about to be quizzed in Congress about the Kennedy assassina-

Goldberg and Yazijian are researchers for the Assassination Information Bureau, a group headquartered here which has been pressing for further investigations of the several major assassination cases of recent years. This article is reprinted, by permission, from *New Times* magazine. Copyright © 1978 by New Times Publishing Company.

tion: mobsters Sam Giancana, John Roselli and Charles Nicoletti; ex-Cuban President Carlos Prío Socarras; and Lee Harvey Oswald's confidante, George DeMohrenschildt.

But only leftist attorney William Kunstler has been willing to publicly question whether Sullivan's death was an accident. In a letter to Attorney General Griffin Bell, Kunstler has called for a new inquiry: "I am not suggesting that murder took place in New Hampshire on Nov. 9, 1977, but simply that there is sufficient smoke to indicate that it might have." Privately he adds, "I have no smoking gun, just a lot of questions. In my heart I think Sullivan was murdered." But he doesn't know who might have done it.

The arguments that the death was accidental are powerful: poor visibility; white clothing mistaken for the white tail of a deer; local youths known to the police chief immediately turns himself in, appearing distraught and genuinely sorry.

But that, in part, is the problem. Because the shooting looked like an accident, it was investigated like one. The probe was entrusted to the New Hampshire Fish and Game Department, an agency qualified to investigate only hunting accidents. Its one-page report is a bare and uncritical narration of the shooting. "You've got to realize that Fish and Game are trained in conservation," says John Rolli, the Grafton County prosecutor who tried the case. "Animals and stuff like that. They're not trained in investigating criminal cases. They spend their time studying deer herd propagation." Despite the victim's stature, neither the Justice Department nor prosecutor Rolli investigated.

A spokesman for the New Hampshire State Police originally told *New Times* his department would not become involved because Daniels' father was a state trooper (he has since retired from the force). However, it was recently learned that the State Police did investigate. But while insisting the shooting was accidental, the department refuses to release its report.

Our investigation of the case has uncovered no smoking gun of conspiracy. But there are enough contradictions and flawed evidence in the official version of the shooting to warrant further examination.

Robert Daniels is an average young man whose life was uncomplicated before the shooting. He is thin, of medium height, with blond hair and a barely visible blond moustache. He has lived all of his 21 years

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in Lisbon, New Hampshire, a working-class town just down a hilly road from the affluent vacation village of Sugar Hill. Daniels works as a ski patrolman at nearby Cannon Mountain. Prior to the shooting, he had never been arrested.

Daniels had met Sullivan several times at the home of Gary Young, who is close to Daniels and has been Sugar Hill's only policeman for 14 years.

Daniels hesitatingly agreed to be interviewed only if the conversation was taped and a copy sent to his lawyer. He says he was hunting alone that morning, armed with his 30-06 Remington automatic rifle equipped with a four-power scope. Daniels says a friend, Randy Heath, whom he had planned to hunt with, had overslept and did not come with him. Thus the only account of the shooting is Daniels':

"At approximately 6:10 a.m., I stood up . . . and saw a motion on the other side of the field. I picked up my rifle and through the scope I saw brown. I dropped my rifle down and saw a flicker of white. I'm not sure what it really was, but I thought it was a flag (the tail of a deer). When I saw the white, it appeared to move a little further and I thought it had smelled me and was running. I picked up my rifle and through the scope I saw brown again and I squeezed the trigger."

Two hundred and forty-three feet away, according to authorities, a bullet slammed into Sullivan's right shoulder blade, exited through the left side of his neck, and vanished into the woods.

After Daniels' emergency medical procedures failed to revive Sullivan, he faced to the home of his good friend Gary Young, the chief and sole member of the Sugar Hill police. They called the authorities and returned to the scene of the shooting. Shortly, Daniels' father (who was then a corporal in the State Police) arrived, followed by an ambulance and officials from the Fish and Game Department, the State Police and the FBI.

Daniels hunted nearly every day in season. As with most experienced hunters, he was normally very careful about what he shot at. "During the year before the accident, I saw about 15 or 20 deer," he says. "I didn't shoot at any of them because I didn't think it was the right shooting time. I consider myself a sportsman, not a person who goes out to kill as many deer as he can."

Why did he drop his guard that morning? "I'm really suspicious of

the hunting accident," one Lisbon resident says, "not just because Sullivan was involved, but because this guy (Daniels) knows how to hunt, and I don't care what they say, he knows how to hunt. Local hunters don't make mistakes like that."

The official version of the accident rests on two conclusions:

- Daniels' view of Sullivan was obscured and fleeting.
- Sullivan's clothing, in a sense, made him look like a deer.

These are the basics of the case. But on closer examination, neither can be judged now as certain.

Daniels was positioned in the backyard of an expensive summer home that was vacant at the time. It sits among a handful of other houses tucked away with Currier and Ives grace in the White Mountains. The backyard is a roughly rectangular field, approximately 100 yards wide and 90 yards deep and bordered on three sides by woods. It is clear except for a cluster of a half-dozen small, leafless apple trees that would not have impaired Daniels' view of Sullivan. About half of the field is visible from the roadway in front of the house.

How did both men, surrounded by miles of woods, happen to collide in someone's backyard? Daniels says he had previously scouted the field and that deer gravitate to it to munch on the apples lying on the ground. Sullivan's familiarity with the yard and his intentions remain unknown.

The shooting took place about 15 to 20 minutes before dawn. Daniels says visibility was impaired by "gloomy" weather, but that there was light.

From Daniels' location 80 yards away, Sullivan was partially obscured by a three-foot rise in the middle of the field. They were at opposite sides of the backyard. Authorities claim Sullivan would have been visible only from the shoulders up. But from our reconstruction of the scene, it appears that Daniels would have seen Sullivan from almost the waist up.

Daniels says he was stationary in a corner of the yard behind the house. Sullivan, he says, walked toward him — across the empty lot abutting the other side of the property and through a slender section of the woods. Daniels says he heard a sound as Sullivan passed through. Then Sullivan turned and proceeded along the field's tree line, away from the house and Daniels. How long Sullivan was visible is unclear, but he had been facing Daniels as he approached the field, was in view on the field as he partially traversed Daniels' line of vision, and was actually walking away from Daniels when he was shot. Sullivan was visible long

enough for Daniels to sight him several times, both through the scope and with his eye. When asked about the duration of Sullivan's visibility, Daniels replies, "It seemed like a long time, but it was probably just several seconds."

A hunter must "lead" his shot by firing slightly ahead of the animal if it is moving and some distance away — usually aiming to hit the chest or shoulder area. As one gun shop owner says, "An experienced hunter never shoots at just a part of an animal; he shoots at the whole animal." But after identifying only what he thought was the tail of a deer, Daniels fired directly at it, attempting to hit what was certainly an unlikely spot to make the kill. Had he led his target, the bullet would have passed in front of Sullivan.

Another detail nagging for explanation is how Daniels was able to spot movement with the naked eye and fail to better identify it through his rifle-mounted scope (which would make his quarry appear about four times larger). William Kunstler can't believe this: "A four-power sight, at that distance, would enable him to see a pimple on a man's neck." Yet Daniels says that with the scope and without, he saw only "a brown and white flicker."

The "brown and white" is the real cause of the accident, prosecutor John Rolli said at first, because Daniels mistook white clothing for a deer's tail. Even as he approached Sullivan's fallen body Daniels thought he saw white, according to his signed statement to Fish and Game. He wrote, "I was about 50 yds. when I saw white and thought it was a deer." So we must assume Sullivan was wearing white that morning. Was he?

Rolli stated in court last November that Sullivan was wearing a brown hat and a red and black jacket, over a white turtleneck shirt. (He failed to mention that Sullivan was also wearing a wool shirt buttoned to the neck.) Six months after the shooting, Joseph Casey, Sullivan's Washington lawyer, corrected this version: Sullivan, he said, was wearing a white T-shirt, not a turtleneck. Casey said the T-shirt was bunched up on Sullivan's neck and visible under the flannel shirt and mackinaw. On the other hand, the official autopsy report says Sullivan was clad in a "red and white-checked mackinaw" (emphasis added) with no mention of a turtleneck or T-shirt. On the one-page form report of the New Hampshire

Fish and Game Department, the prominence of color in the victim's clothing is checked off as "unknown." Asked about these contradictions, Richard Dufour, Fish and Game's investigating officer, responded that Sullivan was wearing no white at all. "Nothing that I saw would have shown white," Dufour said. Recently, Rolli admitted he had been in error in court and had misidentified Sullivan's white T-shirt as a turtleneck. When it was pointed out that, in either case, a T-shirt or a turtleneck bundled up under winter clothing would hardly be visible from the rear, he agreed and hypothesized that the white Daniels saw was Sullivan's Irishman-pale face!

Then there is the pair of gloves officials found near Sullivan's body. Daniels said they weren't his, nor did he remove them from Sullivan's hands. Whose were they? Detective David Lennon of the State Police, who received the gloves and the other exhibits, would not comment.

There are other troubling questions. For example, was anyone else out hunting near the backyard that morning? Did anyone know of Sullivan's intentions or direction?

After the shooting, the New York Times reported that Sullivan had been on his way to meet two "hunting companions" when he was killed. The probable source of this report was Charles Brennan, Sullivan's close friend and former assistant in the bureau. He says Marion Sullivan, the victim's wife, told him Sullivan had been en route at 6:15 to an unknown location to go hunting with Gary Young, the police chief, and Tim Casey, a retired FBI agent who lives in the area (no relation to Sullivan's lawyer). Yet both Daniels and Young say the chief was asleep at 6:30, a mile or so from the field; when Daniels stormed into his bedroom to report the shooting, Young acknowledges he was to go hunting with Sullivan that morning, but he insists they were to meet at his house at 9:00 a.m. Young says he has no idea where Sullivan's wife got the impression the three were to meet at 6:30.

We have learned from Thomas Hannigan, senior resident agent of the FBI's Concord office, that Tim Casey spent the night at Young's house, a fact Young has confirmed.

Asked where Casey was at 6:30 a.m., Young told us that the retired agent was already hunting then and did not return until several hours later. Prosecutor Rolli, who was unaware until recently of Mrs. Sullivan's claim that her husband planned to meet Casey and Young, says he has learned that Casey had been hunting on the other side of the hill from Daniels and Sullivan.

Did Casey know of Sullivan's plans that morning? Was he close enough

to hear the shot? Tim Casey declines to comment, saying only, "I refuse to get involved." Mrs. Sullivan also declines to comment. Sullivan's lawyer, Joseph Casey, says, "Sullivan wasn't going to meet anybody. He was out on his own."

Inconsistent accounts do not necessarily indicate foul play. But these inconsistencies make some observers wonder if the investigation was thorough enough. The extent of the investigation, of course, cannot be known without the State Police report, which remains confidential.

Chief Young, who had jurisdiction over the matter, properly removed himself from the inquiry because of his close associations with the principals. However, it was Young who decided to assign the inquiry to Fish and Game, thereby concluding beforehand, in effect, that the shooting was accidental.

The investigation was limited to the perimeter of the field. Even then, how precise was the official reconstruction of events? For example, Sullivan's body had already been moved before authorities saw it — Daniels says he dragged it 15 feet in a vain effort to get it to his truck. Did authorities try to determine Sullivan's exact location at the time of death? Or did they just take Daniels' word? And was Daniels' position independently confirmed? Was an effort made to locate any footprints, tire tracks or other evidence of Daniels' and Sullivan's movements, or those of others? Were neighbors interviewed? On all of these questions, authorities give unsatisfying or imprecise answers. And although the autopsy report makes no mention of it, did authorities seek to medically confirm the time of death? None of the doctors would comment.

A State Police spokesman says the department's report is confidential because it is policy not to release such reports — and because, in this case, civil proceedings may follow. However, the shooting has been adjudicated an accident, and six months later the Sullivan family has not brought civil charges against Daniels. In fact, Chief Young, speaking on behalf of Mrs. Sullivan, told the court, "The family holds no animosity toward Bobby Daniels. They would like any leniency on sentencing that the court could offer."

If the State Police report resolves, or at least grapples with, some of the unanswered questions, then its release could put the Sullivan case to rest. Otherwise, the doubts will continue until there is a thorough public investigation.

As William Kunstler says, "There was never more of a motive to kill a man."